IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8062 of 2005

Between:

Ahle Hadees Mosque Kothapeta Burial Ground and Iddgah Committee, Regd.No. 44/1972,21-14-1, Sunnapu Veedhi, Visakhapatnam-1, rep. by its Secretary, Mohd. Humayun.

..... PETITIONER

AND

1 The Commissioner, Municipal Corporation of Visakhapatnam,

Visakhapatnam.

2 Andhra Pradesh State Wakf Board, A.P. Haz

House Building, Nampally, Hyderabad, represented by its Chief Executive Officer.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any appropriate writ, Order or direction, especially one in the nature of a writ of Mandamus declaring the action of the Officials of the Municipal Corporation of Visakhapatnam in seeking to demolish and remove part of the constructions in T.S. Nos. 617, 618 and 656 of Visakhapatnam and in seeking to lay a pathway through the burial ground situated in aforesaid Survey Numbers as illegal and unconstitutional and directing the 1st respondent herein to desist from any such action and pass such other order or orders as are deemed fit and proper.

Counsel for the Petitioner: MR.VL.N.G.KMURTHY

Counsel for the Respondent No.1: MR.N.RANGA REDDY (SC FOR MNICIPAL CROP. VSP.)

Counsel for the Respondent No.2: Mr. A.M. Qureshi.

The Court at the stage of admission made the following :

O R D E R:

This writ petition is filed seeking a declaration that the alleged action of the officials of the respondent-Corporation in seeking to demolish and remove part of the constructions in T.S. Nos. 617, 618 and 656 of Visakhapatnam and to lay a pathway through the burial ground situated in the said survey numbers is arbitrary and illegal.

The grievance of the petitioner is that the respondent-Corporation is proceeding to demolish the structures-in-question without issuance of any notice to it and without following due process of law.

The learned standing counsel for the first respondent-Corporation states that though there is a proposal to lay a road across the land-in-question, so far no steps have been initiated. He also states that before taking any such steps the respondent-Corporation will follow due process of law.

Accordingly, recording the statement of the learned standing counsel, the writ petition is disposed of with a direction to the first respondent not to demolish the structures-in-question and not to interfere with the possession of the petitioners in respect of the land-in-question without following due process of law. No costs.

(G.ROHINI,J)

Date:19-04-2005

ghn

To

1 The Commissioner, Municipal Corporation of Visakhapatnam,

Visakhapatnam.

2 The Chief Executive Officer, Andhra Pradesh State Wakf Board, A.P. Haz

House Building, Nampally, Hyderabad.
3 Two C.D copies.